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REVIEWS.

A Treatise on the Rights and Privileges Guaranteed by the Fourteenth Amendment to the Constitution of the United States. By the Hon. HENRY BRANNON, Justice of the Supreme Court of West Virginia. Pp. 562. W. H. Anderson & Co., Cincinnati, 1901.

The emphasis which is being laid upon the discussion of individual rights in all recent treatises on constitutional law is strikingly illustrated by the fact that during the last twelve months two bulky and exhaustive works on the Fourteenth Amendment have appeared. Compared with Mr. Guthrie's work upon the Amendment, that of Judge Brannon seems at once more exhaustive and more systematic.

The author has evidently examined exhaustively the great mass of decisions bearing directly and indirectly on the interpretation of the Fourteenth Amendment. It is the most comprehensive treatment of the subject that has yet appeared, and is written with a clearness of style and vigor of expression which is both refreshing and inspiring.

The only chapter of the work which will give rise to marked differences of opinion is that treating of the privileges and immunities of citizens of the United States. Justice Brannon evidently regards the Slaughter House Cases as containing the most satisfactory interpretation of the distinction between the privileges and immunities of United States citizenship and those of state citizenship. The reader of the work is not informed with the care and detail which characterize other chapters, that a wide and irreconcilable difference separated the majority from the minority opinion in these cases, and that a considerable body of eminent jurists were and are still of opinion that the line of division between the two classes of citizenship as drawn by the Supreme Court of the United States not only nullified, at least in part, the intention of the framers of the amendment and of all those who supported it, but also deprived the federal government of powers which had been one of the issues of the Civil War. As Burgess has so clearly pointed out, the Slaughter House Cases checked the movement towards the nationalization of civil liberty, and to that extent deprived the country of the logical results of the great slavery conflict. It is to be hoped that in another edition of the work Justice Brannon will rewrite the chapter relating to the subject of the privileges and immunities of citizens of the United States, placing the whole subject before the reader in the light of the circumstances which made the Fourteenth Amendment imperatively necessary.

It may be of some interest to point out that the author has misread the Treaty of Paris. On page thirty-nine we find the following: "The Treaty of Paris between the United States and Spain, closing the

Spanish-American War, provides that all persons born in the Spanish peninsula, that is, in Spain, resident in the Philippine Islands and Porto Rico, who should elect to continue to reside in those islands, after a certain time should be deemed citizens of the United States and entitled to all the privileges and immunities of citizens of the United States; but there is no such provision as to the natives of those islands."

As a matter of fact, the Peace Commissioners were extremely careful not to grant United States citizenship to anyone. The provisions relating to nationality were framed with great care and with the evident intention of avoiding the question of citizenship. Article nine of the treaty—to which Justice Brannon evidently refers—merely provides that Spanish subjects, natives of the Peninsula, who have not made the declaration preserving allegiance to Spain within a year from the ratification of the treaty "*shall be held to have renounced it and to have adopted the nationality of the territory in which they may reside.*" This is very different from saying that they are to be deemed citizens of the United States. The legislation of Congress for Porto Rico has confirmed this distinction.

The chapters relating to the process of law and the equal protection of the laws are probably the most important of the book, and for these both the members of the legal profession and the laymen are under a deep obligation to the author.

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Municipal Sanitation in the United States. By CHARLES V. CHAPIN, M. D., Superintendent of Health of the City of Providence. Pp. viii, 970. The Providence Press, 1901.

This elaborate work is the result of several years of study and practice by one whose success as health officer and as lecturer on hygiene, eminently qualifies him to present this pioneer work on American municipal sanitation. It is not intended as a treatise on the principles of sanitation, but is rather a compendium of sanitary practice. Here one can find the high and low water marks of American sanitary administration. While the author has kept his own views in the background, for the most part, yet the methods employed by various municipalities to register vital statistics, abate and prevent nuisances, protect water and food sources, cleanse streets and control contagion are so clearly explained that the reader could hardly fail to select the sounder method. Health officers will find these comparative exhibits to be of great assistance in the conduct of their practical work.